

## DECLARATION AND POWER OF ATTORNEY

1

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled SYSTEM AND METHOD FOR CONTROLLING DELIVERY OF STREAMING MEDIA, the specification of which was filed on December 29, 2000, as Application Serial No. 09/751,627;

That I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe that said invention, design or discovery was ever known or used in the United States of America before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application; that said invention, design or discovery has not been patented or made the subject of an inventor's certificate issued prior to the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

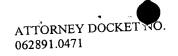
I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

NONE					
Number	Country	Date Filed	Priority Claimed (Yes) (No)		



I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Serial Number	Date Filed	Status
I hereby appoint:  Jerry W. Mills Robert M. Chiaviello, Jr. Ann C. Livingston Thomas R. Felger Charles S. Fish Kevin J. Meek T. Murray Smith Barton E. Showalter David G. Wille Bradley P. Williams Terry J. Stalford Christopher W. Kennerly Harold E. Meier Douglas M. Kubehl Thomas R. Nesbitt, Jr. James J. Maune Roger J. Fulghum Scott F. Partridge James B. Arpin	Reg. No. 23,00 Reg. No. 32,46 Reg. No. 32,47 Reg. No. 28,84 Reg. No. 35,87 Reg. No. 33,77 Reg. No. 30,22 Reg. No. 38,30 Reg. No. 38,30 Reg. No. 40,2 Reg. No. 40,2 Reg. No. 40,6 Reg. No. 22,4 Reg. No. 22,4 Reg. No. 22,6 Reg. No. 26,9 Reg. No. 39,6 Reg. No. 38,7 Reg. No. 38,7 Reg. No. 38,7 Reg. No. 38,7 Reg. No. 38,8	5 5 11 79 42 70 38 22 02 63 27 22 75 28 915 946 578 142 470 193
Jay B. Johnson Robert W. Holland James L. Baudino Tara D. Knapp Michael R. Barré William R. Borchers Brian W. Oaks Luke K. Pedersen Matthew B. Talpis	Reg. No. 38, Reg. No. 40, Reg. No. 43, Reg. No. 43, Reg. No. 44, Reg. No. 44, Reg. No. 45 Reg. No. 45	020 486 723 ,023 ,549 ,981 ,003



David M. Doyle Keiko Ichiye Jeffery D. Baxter Thomas A. Beaton Kurt M. Pankratz Brian E. Szymczak Thomas J. Frame	Reg. No. 43,596 Reg. No. 45,460 Reg. No. 45,560 Reg. No. 46,543 Reg. No. 46,977 Reg. No. 47,120 Reg. No. 47,232
Patent Agents: Brian A. Dietzel Kevin R. Imes	Reg. No. 44,656 Reg. No. 44,795

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

## Send Correspondence To:

Baker Botts L.L.P. 2001 Ross Avenue Dallas, Texas 75201-2980

## Direct Telephone Calls To:

Barton E. Showalter at 214.953.6509 Atty. Docket No. 062891.0471

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of joint inventor:

Joseph F. Khouri

Inventor's signature

Date Residence (City, County, State) Citizenship Post Office Address San Jose, Santa Clara County, California
United States of America

Joseph P. Khom

5925 Foligno Way

San Jose, CA 95138-2226

4



Full name of joint inventor:

Inventor's signature

Date Residence (City, County, State) Citizenship Post Office Address Shmuel (nmi) Shaffer

Shmud Shaffer 1-31-2001

Palo Alto, Santa Clara County, California
United States of America

1211 Cowper Street

Palo Alto, California 94301

5

Full name of joint inventor:

Inventor's signature

Date Residence (City, County, State) Citizenship Post Office Address

Robert T. Bell

Bountiful, Davis County, Utah

United States of America 576 S. Brentwood Lane Bountiful, Utah 84010